IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4079 of 2007()

CRIME NO.409/2007 OF TALIPARAMBA POLICE STATION

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: PETITIONER/ACCUSED

AHAMMED.B.K., S/O.MUHAMMED,
AGED 30 YEARS, AUTO DRIVER,
NEAR FAROOQUE MOSQUE, FAROOQUE NAGAR,
TALIPARAMBA.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS: COMPLAINANT

STATION HOUSE OFFICER,
TALIPARAMPA POLICE STATION,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4079 of 2007

Dated this the 6th day of July, 2007

ORDER

Application for anticipatory bail. Petitioner is the 1st accused. His wife is the defacto complainant. He faces allegations under Section 498 A I.P.C. A complaint was filed before the learned Magistrate, which was referred to the police under Section 156(3) Cr.P.C. Thereafter the crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the marriage had taken place as early as in 1999. Two children were born in the wedlock, one aged 6 years and the other aged 11 months. After the birth of the second child, there has been acrimony in the matrimonial relationship. The wife had not returned to the matrimonial home after the delivery of the second child. Because of the strain in the matrimony, false, fanciful and exaggerated allegations are being made to vex and harass the petitioner, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application for anticipatory bail. I reckon that as a very reasonable stand taken by the learned Public Prosecutor. Arrest and incarceration of the petitioner in custody is likely to mar all

possibilities of reconciliation of the matrimonial relationship. Subject to appropriate conditions, I am satisfied, anticipatory bail can be granted.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 13.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 14.07.2007, 15.07.07 and 06.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently he shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 13.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 13.07.07.

(R.BASANT, JUDGE)

rtr/-